



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,072	12/29/2000	Shlomi Harif	AUS9000879US1	2044
35617	7590	03/31/2004	EXAMINER	
CONLEY ROSE, P.C. P.O. BOX 684908 AUSTIN, TX 78768			BAYAT, BRADLEY B	
			ART UNIT	PAPER NUMBER

3621

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,072

Applicant(s)

HARIF, SHLOMI

Examiner

Bradley Bayat

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Claims 1-30 are presented for examination on the merits.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel (6,026,383) in view of Borella et al. (6,442,141 B1).**

As per claim 1, Ausubel discloses a system for bidding for a process execution over a heterogeneous network, said system comprising a network server adapted to receive a payload over the heterogeneous network from a network client, wherein the payload comprises specifications for a process execution associated with a task and provides a bid solicitation for the process execution from a network host (figures 1-4 and associated text). Ausubel does not explicitly teach a server adapted to simulate the process execution. Borella, however, teaches a system for providing a network simulator to stimulate packet delivery delay and loss dynamics of a heterogeneous network (column 1, line 63 – column 3, line 12). Borella discloses that other applications such as on-line auction or bidding systems are also suitable for its claimed invention (column 4, lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the auction system in Ausubel with Borella's system to bid on

Art Unit: 3621

available network resources in order to stimulate the network performance of a winning bidder, similar to any other commodity in a bidding and auction system.

As per claim 2, Ausubel further discloses a financial resolution center (fig 3 and associated text).

As per claim 3, Ausubel further discloses the heterogeneous network comprises a network of computational devices (figure 4 and associated text).

As per claim 4, Ausubel further discloses the heterogeneous network is absent information sent there across for maintaining secure access thereto (column 5).

As per claim 5, Ausubel further discloses the network of computational devices comprises a network of multiple platforms (column 5).

As per claim 6, Ausubel further discloses the payload is encrypted (column 6).

As per claim 7, Ausubel further discloses the bid solicitation is encrypted (figure 1b and associated text).

As per claim 8, Ausubel discloses a system for bidding for a process execution over a heterogeneous network, said system comprising a network server adapted to receive a payload

Art Unit: 3621

over the heterogeneous network from a network client, wherein the payload comprises specifications for a process execution associated with a task and provides a bid solicitation for the process execution from a network host (figures 1-4 and associated text). Ausubel does not explicitly teach a server adapted to simulate the process execution. Borella, however, teaches a system for providing a network simulator to stimulate packet delivery delay and loss dynamics of a heterogeneous network (column 1, line 63 – column 3, line 12, figure 4). Borella discloses that other applications such as on-line auction or bidding systems are also suitable for its claimed invention (column 4, lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the auction system in Ausubel with Borella's system to bid on available network resources in order to stimulate the network performance of a winning bidder, similar to any other commodity in a bidding and auction system.

As per claim 9, Ausubel further discloses the network server is further adapted to receive a bid for the process execution (figure 3 and associated text).

As per claim 10, Ausubel further discloses the network server is further adapted to validate the bid with the financial resolution center (column 4).

As per claim 11, Ausubel further discloses the network server is further adapted to evaluate the bids (figures 3-4 and associated text).

Art Unit: 3621

As per claim 12, Ausubel further discloses evaluating the bids comprises mediating negotiations between the network host and the network client, wherein the negotiations relate to the process execution (columns 3-4).

As per claim 13, Ausubel further discloses the network server is further adapted to maintain confidentiality as to the identity of the network client and the network host (figure 1B and associated text).

Claims 14-28 are directed to a method of the above system and claims 29-30 are directed to a computer-readable medium of the above system and are therefore rejected as above.

*Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

#### **Conclusion**

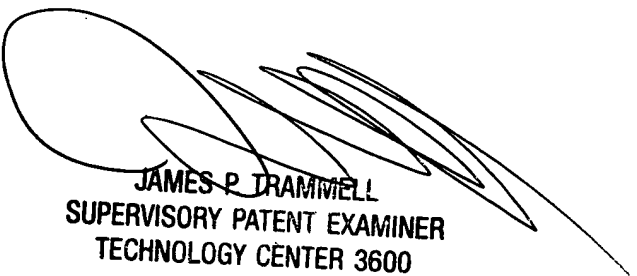
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bbb



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600